

April 4, 1975

his money to wife, she is the administrator of the estate. No one else gets any money except her. Why should she have to post a bond. Who is she going to cheat, herself?

SENATOR LUEDTKE: I'm not going to go into that right now, because I know of a case where that happened. Exactly happened, and the creditors all got cheated, yes that is right.

SENATOR CLARK: Why?

SENATOR LUEDTKE: Why? Because she didn't pay them.

SENATOR CLARK: You mean that it didn't go through the courts? The court allowed the creditors to be cheated?

SENATOR LUEDTKE: Well, if somebody takes the money and they don't have...if they are not protected by a sufficient bond, if that is the case, and that is what LB500 is addressing itself too, that person spends all of the money and it is not there, you can't get blood out of a turnip and you can't get money out of the bank when there is no bank account.

SENATOR CLARK: How does she spend all of the money when it goes through the court anyway?

SENATOR LUEDTKE: Oh, it is easy to spend money.

SENATOR CLARK: I have just been through...

SENATOR LUEDTKE: She just writes checks. That is what she did.

SENATOR CLARK: I may have to get you for my attorney.

SENATOR LUEDTKE: Let me tell you this. If you check with any county judge you will find out that is why in guardianships there is more of a need for bonds there than probably even in estates, because people say it is my money, it is my child's money. You know, they are going to put it back Senator Clark, but once it is gone it is very difficult to put it back.

PRESIDENT: Senator Richard Lewis.

SENATOR R. LEWIS: I would like to direct a question to Senator Luedtke if I might. Senator, you tell me that this particular piece of legislation is going to strengthen the position of this person and yet you say that it can be decreed in this legislation or in this persons will that he need not, the executor need not have a bond. Yet you say that this particular legislation will strengthen the position of the creditors. I find this inconsistent.

SENATOR LUEDTKE: No, it is not inconsistent, if you know how to draw wills.

SENATOR LEWIS: Oh, I see, and only a sharp attorney can